

REMARKS

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by Paulman (U. S. Patent No. 5,228,198). The Examiner also rejected Claims 1 and 3-4 under 35 U.S.C. 102(b) as being anticipated by Ochiai (JP 60158932A). The Examiner rejected Claims 1 and 3-6 as being obvious in view of Zifferer (U.S. Patent Nos. 5,409,057) and Geppelt et al. (US 5,092,038). Lastly, the Examiner rejected Claims 2 and 7 as being obvious over Zifferer '057 and Geppelt et al. in view of Zifferer (US 5,311,661). Applicants request reconsideration of the rejection in view of the amended claims and the following remarks.

I. The Section 102 Rejections in View of Paulman and Ochiai

The Examiner has rejected Claim 1 under 35 U.S.C. 102(b) as being anticipated by Paulman (U. S. Patent No. 5,228,198) and Claims 1 and 3-4 under 35 U.S.C. 102(b) as being anticipated by Ochiai (JP 60158932A). Claim 1 has been amended to better define the U-shaped configuration of the claimed heat exchanger tube. As the Examiner is aware, a finding of anticipation requires that all the elements of the claimed invention be found in the prior art reference. Claim 1 now requires "the sidewalls have a first portion and a second portion, the first portion and the second portion opposite each other on the heat exchanger tube and collapsed to be in close proximity to each other and the sidewalls, as a whole, forming an overall U-shaped configuration." It is submitted that there is no such disclosure in either Paulman or Ochiai of the referenced U-shaped tube. Applicants' Attorney believes that the Examiner should agree with Applicants' position in view of the previous rejection of Claims 2 and 7. In view of the failure of Claim 1 to be anticipated by either Paulman or Ochiai, it respectfully requested that the rejection of dependent Claims 3-4 also be withdrawn.

II. The Section 103 Rejection In View of Zifferer '057 and Geppelt

The Examiner has also rejected previous Claims 1 and 3-6 in view of Zifferer '057 and Geppelt et al. As explained above, Claims 1 and 5 has now been amended to clarify that the present invention is directed to a heat exchanger tube having a U-shaped configuration. Neither Zifferer '057 nor Geppelt et al. disclose the claimed U-shape

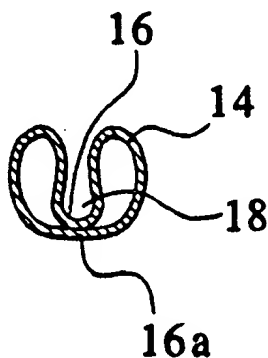
configuration. Accordingly, in view of the new definition of U-shaped provided in Claims 1 and 5, it is submitted that the rejection of Claims 1 and 3-6 in view of Zifferer '057 and Geppelt et al. be withdrawn.

III. The Section 103 Rejection In View of Zifferer '057, Geppelt & Zifferer '661

The Examiner has also rejected previous Claims 2 and 7 as being obvious over Zifferer '057 and Geppelt et al. in view of Zifferer (US 5,311,661). The Examiner has argued that Zifferer '057 and Geppelt et al. have disclosed substantially all of the claimed invention except for the claimed U-shape configuration. Claims 1 and 5 have now been amended to require that "the sidewalls have a first portion and a second portion, the first portion and the second portion opposite each other on the heat exchanger tube and collapsed to be in close proximity to each other and the sidewalls, as a whole, forming an overall U-shaped configuration." The present claim language is intended to cover the embodiment of the invention reproduced below. The present claim language also requires that the sidewalls "as a whole" form a U-shaped configuration.

U-Shape

FIG.2A



Applicant respectfully disagrees that Figures 9-11 of Zifferer '661 show a side wall configuration "as a whole" that form a U-shaped configuration. At best, Figure 11 shows a corrugated structure that only includes a portion that could be characterized as U-shaped. In addition, Claims 1 and 5 requires side walls portions that are opposite each

other and collapsed so as to be in close proximity to one another so as to form an overall U-shape.

Corrugated Shape

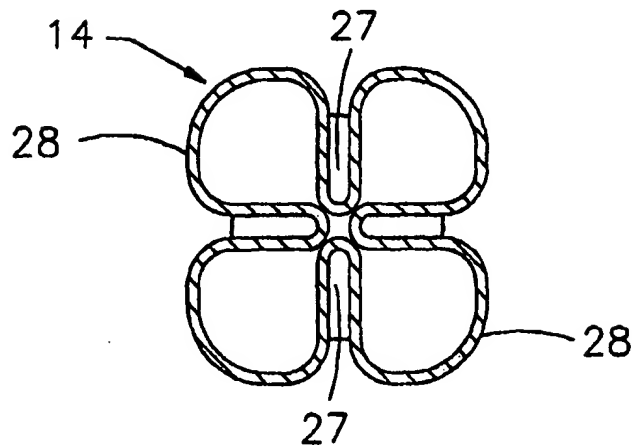


Figure 11

For at least these reasons, currently presented independent Claims 1 and 5 should not be considered obvious. For same reasons, the related dependent claims should also not be considered obvious.

IV. SUMMARY

The pending claims as amended are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. F. Prendergast', written over a horizontal line.

William F. Prendergast
Registration No. 34,699
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200